

The Honorable Ronald B. Leighton

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

THE SUQUAMISH TRIBE,

Plaintiff,

v.

THE UNITED STATES ARMY CORPS  
OF ENGINEERS, et al.,

Defendants.

Civil No. 12-cv-01455-RBL

MOTION FOR VOLUNTARY  
DISMISSAL

Note for Motion Calendar:  
February 8, 2013

Plaintiff Suquamish Tribe moves this Court for an order voluntarily dismissing this action without prejudice and on such terms and conditions as the Court deems proper. Fed. R. Civ. P. 41 (a) (2). A district court should grant a motion for voluntary dismissal under Fed. R. Civ. P. 41 (a)(2) unless a defendant can show that it will suffer some plain legal prejudice as a result. *Smith v. Lenches*, 263 F.3d 973, 975 (9th Cir. 2001). The inconvenience of future litigation or if a defendant has already begun trial preparation does not constitute plain legal prejudice. *Hamilton v. Firestone Tire and Rubber Co.*, 679 F.2d 143, 145 (9<sup>th</sup> Cir. 1982).

Defendants filed an answer on October 29, 2012 (Dkt. 62), but made no counterclaims and therefore, would not suffer substantial prejudice by the dismissal of this action. For these reasons, the Tribe respectfully requests dismissal of this case without prejudice under Rule 41

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(a)(2).

DATED this 8<sup>th</sup> day of February, 2013.

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY, under penalty of perjury, that on the 8<sup>th</sup> day of February, 2013, I filed the foregoing electronically through the CM/ECF system, which caused the following parties or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing:

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